

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

IN RE:

LEIGH-ANN WISEMAN JOHNSON

Debtor

CASE NO. 20-21437

CHAPTER 13

HONORABLE DANIEL S. OPPERMAN

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OBJECTION TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN

Lance Johnson (Mr. Johnson), for his Objection to Confirmation of Debtor's First Amended Chapter 13 Plan, states as follows:

1. Mr. Johnson is presently married to the Debtor and resides in residential real property located at 36539 Maple Leaf, New Baltimore, MI 48047 (the "Property").
2. The Debtor's First Amended Chapter 13 Plan treats the Property as a Class 4.3 claim to be paid by the Chapter 13 Trustee in the amount of \$1,318.14.
3. The Debtor's First Amended Plan also provides in Section IV.A that the Property shall be listed for sale within 14 days of confirmation of the plan and sold within 8 months, with the net sales paid to the Chapter 13 Trustee for distribution to the Debtor's creditors.

4. The Property constitutes “marital property” under Michigan law. *Korth v. Korth*, 256 Mich. App. 286; 662 N.W.2d 111, 115 (2003).

5. Consequently, Mr. Jonson is entitled to an equitable distribution of the Property. *Berger v. Berger*, 277 Mich. App. 700; 747 N.W.2d 336, 349 (2008).

6. Mr. Johnson and the Debtor are parties to a divorce proceeding in the Macomb County Circuit Court case of *Johnson v. Johnson*, Case No. 2019-003881-DM.

7. A determination of the equitable distribution of the Property in that case was stayed by the filing of the Debtor’s Bankruptcy Petition.

8. The proposed sale of the Property in the Debtor’s First Amended Plan is contrary to Michigan law and will deny Mr. Johnson an equitable distribution of the Property, including its net sale proceeds.

In conclusion, Mr. Johnson requests that this Court grant the relief requested and not confirm the Chapter 13 Plan until these Objections are resolved.

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